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Serial No. 10/706,509

REMARKS/ARGUMENTS

Reconsideration of the above-identified application in view of the present amendment is respectfully requested. Claims 1-9 and 11-14, 19-22, 24 and 27 are pending. Claims 1, 4, 5, 7, 11, 15, 19, 21, and 24 are amended, claims 10, 15-18, 23, 25, and 26 are canceled, and claim 27 is added.

Claim 11 is amended to overcome the rejection under 35 U.S.C. 112. In particular, claim 11 is amended to recite that the central portion of the base includes the alignment member and that "members" in line 6 is replaced with -member--.

Applicant appreciates the allowance of claims 5-8, 19-22 and 24 if rewritten in independent form to include all of the limitations of the base claim and any intervening claims. Accordingly, claims 5, 7, 19, 21, and 24 are amended to include all of the limitations of the base claim and intervening claims. Therefore, claim 6, which depends from claim 5, claim 8, which depends from claim 7, claim 20, which depends from claim 19, and claim 22, which depends from claim 21, are allowable as depending from an allowable claim and also for the specific limitations recited therein.

Claim 1 is amended to include the language of claim 10. Claim 1 is also amend to recite that the connector on the base is configured to secure the pressure relief valve to the vehicle. Le Valley neither discloses nor suggests a connector on the base that is configured to secure the pressure relief valve to the vehicle.

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Further, this recitation related to the connector that is configured to secure the pressure relief valve to the vehicle is not reflective of intended use and should be given patentable weight in this rejection. The Court of Customs and Patent Appeals in In re Land gave patentable weight to functional portions of claims by stating that the court does not regard the fact that portions of a claims are functional as a good ground to give them "no weight". In re Land, 151 USPQ 621 (C.C.P.A. 1966). Furthermore, the Court of Appeals for the Federal Circuit in In re Mills gave patentable weight to functional limitations in a claim to find the claim patentable over the prior art. In re Mills, 16 USPQ2d 1430 (CAFC 1990). Accordingly, functional language must be considered. Therefore, in view of the above-mentioned reasons, claim 1 is allowable. Claim 4 is amended to recite that the fastener is "for fixedly securing the undivided center portion of the flexible closure member to the central portion of the base" for consistency with the language in amended claim 1. Claim 4 is also amended to recite that the fastener is a single fastener to distinguish over the prior art. Claim 11 is also amended to depend from claim 1 for consistency, because claim is amended to include the language of canceled claim 10. Claims 2-4, 9, and 11-14 depend from claim 1 and are therefore allowable as depending from an allowable claim and for the specific features recited therein.

Claim 27, which depends from claim 1, should be allowed for the same reasons as claim 1 and also for the additional feature that the peripheral portion of the base extends upward

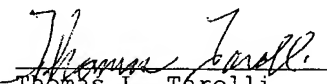
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and radially outward from the central portion of the base.
Neither Frank nor Le Valley nor any of the other prior art
disclose or suggest this feature. Therefore, claim 27 is
allowable.

In view of the foregoing, it is respectfully requested
that the amendment be entered and the application allowed.
Please charge any deficiency or credit any overpayment in the
fees for this amendment to our Deposit Account No. 20-0090.

Respectfully submitted,


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